IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

WP(C).No. 32040 of 2007(L)

PETITIONER:

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1. ABDUL MAJEED, S/O.KUNHALIKKUTTY,
   CHANDANATH HOUSE, SANANA MISSION ROAD,
   CHEMBUKKAVU, THRISSUR.

2. K.M.MOHANDAS, MANAGING DIRECTOR,
   WESTFORT HI-TECH HOSPITAL LTD.,
   PUNKUNNAM, THRISSUR.

BY ADV. SRI.P.NANDAKUMAR

RESPONDENTS:

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1. THE KERALA STATE ELECTRICITY BOARD,
   THIRUVANANTHAPURAM REPRESENTED BY ITS
   SECRETARY.

2. THE DEPUTY CHIEF ENGINEER,
   KERALA STATE ELECTRICITY BOARD,
   VAIDYUTHI BHAVAN, THRISSUR.

3. THE SUB-ENGINEER,
   ELECTRICAL SECTION, KSEB, AYYANTHOL,
   THRISSUR.

BY ADV. SHRI.P.P.THAJUDEEN, SC, KSEB (R1 TO R3)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

WP(C) No. 32040 of 2007

Dated, this the 30th day of October, 2007

J U D G M E N T

Heard learned counsel for the petitioners and the learned Standing Counsel for the Kerala State Electricity Board.

2. The 2nd petitioner is the tenant of the 1st petitioner. He has been given occupation on 01/10/2006. The KSE Board has raised a bill, re-assessing the outstanding for four years on the ground of misuse. The liability of the petitioners towards the KSE Board cannot depend upon the rental arrangement between petitioners 1 & 2. However, the petitioners are entitled to hear any objections to the impugned demand.

3. In the aforesaid circumstances, without expressing anything on the merits of the objections to the impugned demand, this writ petition is disposed of directing that if the petitioners file objections to the impugned demand before the Assistant Engineer, within a period of two weeks, the same will be considered and disposed of in accordance with law, after affording the petitioners and their representatives an opportunity of being heard. On such

objections being filed, Ext.P4, which has been filed before the Deputy Chief Engineer, would stand struck off, to enable the petitioners to move the Deputy Chief Engineer by way of appeal, if aggrieved by the decision of the Asst. Engineer. Pending consideration of the objections as directed above, if the petitioners deposit 50% of the impugned amount covered by the impugned demand, supply of energy to the premises would be reconnected on payment of necessary reconnection charges. Enforcement of recovery would stand stayed until a decision is taken by the Asst. Engineer as directed above.

(THOTTATHIL B. RADHAKRISHNAN, JUDGE)

jg